

Teresa M. Corbin (SBN 132360)  
 Denise M. De Mory (SBN 168076)  
 Jaclyn C. Fink (SBN 217913)  
 HOWREY LLP  
 525 Market Street, Suite 3600  
 San Francisco, California 94105  
 Telephone: (415) 848-4900  
 Facsimile: (415) 848-4999

Attorneys for Defendants AEROFLEX INCORPORATED,  
 AEROFLEX COLORADO SPRINGS, INC., AMI  
 SEMICONDUCTOR, INC., MATROX ELECTRONIC  
 SYSTEMS, LTD., MATROX GRAPHICS INC., MATROX  
 INTERNATIONAL CORP., and MATROX TECH, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, AMI  
 SEMICONDUCTOR, INC., MATROX  
 ELECTRONIC SYSTEMS LTD., MATROX  
 GRAPHICS INC., MATROX  
 INTERNATIONAL CORP., MATROX TECH,  
 INC., AND AEROFLEX COLORADO  
 SPRINGS, INC.

Defendants.

SYNOPSYS, INC.,

Plaintiff,

vs.

RICOH COMPANY, LTD.,

Defendant.

Case No. C03-4669 MJJ (EMC)

Case No. C03-2289 MJJ (EMC)

**DECLARATION OF JACLYN C. FINK IN  
 SUPPORT OF SYNOPSYS' AND  
 CUSTOMER DEFENDANTS'  
 ADMINISTRATIVE MOTION (Civ. L.R. 7-  
 11) FOR EXPEDITED CONSIDERATION  
 OF THE PARTIES' JOINT LETTERS**

Judge: Hon. Edward M. Chen

1 I, JACLYN C. FINK, declare as follows:

2 1. I am an attorney associated with the law firm of Howrey LLP, counsel of record for  
3 Synopsys, Inc., Aeroflex Incorporated, Aeroflex Colorado Springs, Inc., AMI Semiconductor, Inc.,  
4 Matrox Electronic Systems, Ltd., Matrox Graphics, Inc., Matrox International Corp., and Matrox Tech,  
5 Inc. I have personal knowledge of the facts set forth in this Declaration and, if called upon to do so, I  
6 could and would testify competently to the matters set forth in Synopsys' and the Customer  
7 Defendants' administrative motion for expedited consideration of the parties joint letters concerning  
8 individual deponents in Japan.

9 2. Counsel for Ricoh informed me via telephone on March 28, 2006 that it would not  
10 oppose this motion for expedited consideration.

11 3. Attached hereto as Exhibit 1 is a true and correct copy of a web site printout dated  
12 March 28, 2006 in which the Embassy of the United States in Japan states the requirements for visas  
13 for attorneys taking depositions in Japan.

14 4. Attached hereto as Exhibit 2 is a true and correct copy of a web site printout dated  
15 March 28, 2006 in which the Embassy of the United States in Japan states the procedure for taking  
16 depositions in Tokyo.

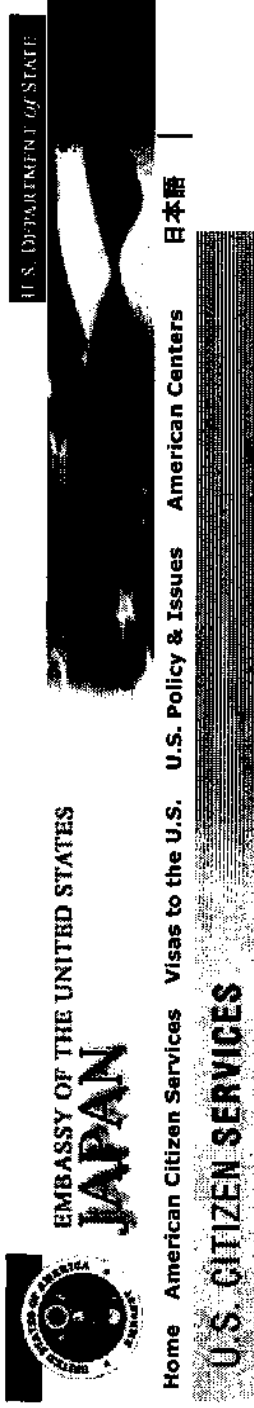
17 5. Attached hereto as Exhibit 3 is a true and correct copy of a web site printout dated  
18 March 28, 2006 in which the Embassy of the United States in Japan states the procedure for taking  
19 depositions in Osaka, the location where the April depositions are to take place.

20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing is true and correct.

22 This declaration was executed at San Francisco, California on March 28, 2006.  
23

24 /s/ Jaclyn C. Fink  
25 Jaclyn C. Fink  
26  
27  
28

# EXHIBIT 1



- ▶ Overview
- ▶ Security/Safety
- ▶ U.S. Passports
- ▶ Marriage
- ▶ A New Baby
- ▶ Get Vital Records
- ▶ Resources
- ▶ Registration
- ▶ Consulates in Japan

## Detailed Information on Deposition Taking in Tokyo

*Follow this link if you are seeking to depose at one of our Consulates in Japan*

### Authority

Article 17 of the United States - Japan Consular Convention authorizes U.S. consular officers to take depositions in Japan, "on behalf of the courts or other judicial tribunals or authorities of the sending state (United States), voluntarily given, in accordance with the laws of the sending state (U.S.) and in a manner not inconsistent with the laws of the receiving state (Japan)."

This general reference to the authority of consular officers to take depositions has been interpreted by the Government of Japan very strictly. Japanese law and practice, and the mutually agreed upon interpretation of the United States - Japan Consular Convention concerning obtaining evidence in Japan, permits the taking of a deposition of a willing witness for use in a court in the United States only:

- (a) if the deposition is presided over by a U.S. consular officer (in order for the consular officer to preside over the deposition, it must be conducted in the English language);
- (b) is conducted on U.S. consular premises;

- (c) is taken pursuant to a U.S. court order or commission;
- (d) and if any non-Japanese participant traveling to Japan applies for and obtains a Japanese special deposition visa.

Therefore, depositions may be taken in Japan:

- (a) pursuant to a commission (28 U.S.C. App. Fed. R. Civ. P. Rule 28(b)(2)) to take a deposition issued by a court to any Consul or Vice Consul of the United States at Tokyo or
- (b) on notice, provided a court order specifically authorizes a U.S. consular officer to take the deposition on notice.

The Ministry of Foreign Affairs has informed the U.S. Embassy that Japan does not permit telephone or videoconferenced depositions.

### Arranging the Deposition

The following is our detailed information concerning depositions in Tokyo. Please note that we do not make any commitments until we receive the required reservation fee, court order/commission and the consular fees.

### Reservation Fee

A flat fee of \$475.00 must be paid to the Embassy before a deposition can be scheduled. The fee is not refundable if the deposition is later canceled. This covers consular officer and staff time in scheduling the deposition, communicating with requesting counsel by telephone or fax, and coordinating

with Japanese authorities to confirm the scheduling of a deposition before Japanese authorities will issue the special deposition visa to persons traveling to Japan to participate in a deposition. If additional inquiries are made by counsel or their representative, canceling and rescheduling deposition time, an additional \$475.00 non-refundable fee will be charged. Please note that the Embassy cannot confirm a reservation for a deposition until we receive the reservation fee.

This fee must be paid within 3 weeks from the date the tentative reservation was made and is non-refundable. Payment should be made by international money order or certified bank check payable to the U.S. Embassy, Tokyo, Japan. Personal or corporate checks are not acceptable.

The Embassy does not schedule the appearance of deponents or make arrangements for court reporters/stenographers or interpreters for private attorneys.

#### Court Order/Commission

The court order/commission should be addressed to "ANY CONSUL OR VICE CONSUL OF THE UNITED STATES ASSIGNED TO TOKYO, JAPAN" and worded "ON OR ABOUT" a date for maximum flexibility in scheduling. The names of all persons to be deposed must be included in the court orders/commissions noted above. The original or a certified copy of the court order/commission must be sent to the U.S. Embassy in advance. (These documents must bear the seal of the court).

Please see sample commission text here (PDF format).

#### Special Deposition Visa

Apply for a "special deposition visa" at the Japanese Embassy or Consulate in the United States nearest you. You will be required to present a photocopy of the commission or court order to the Japanese consular officer when you apply for the "special deposition visa." This special deposition visa must be applied for at least two weeks before departure for Japan. The request should be made on letterhead stationery and include the following information:

(a) the name and location of the court; (b) name and occupation of each witness; and (c) a summary of the case. Travelers will also be required to present their U.S. passport, complete Japanese Embassy/consulate visa application forms and to provide the requisite photographs. A photocopy of the commission or order for a U.S. consular officer to take the deposition must accompany the request.

Special deposition visas may also be required of deposition participants other than attorneys (American stenographers, interpreters, parties, etc.). Inquiries should be made of the appropriate Japanese consular officer in the United States.

Once it receives the application for the special deposition visa, (a) the Japanese Embassy or Consulate in the United States will contact the Japanese Foreign Ministry for permission to issue the "special deposition visa"; (b) the Japanese Foreign Ministry will contact the U.S. Embassy to confirm whether the U.S. consular officer has received the reservation fee, a certified copy of the U.S. court order/commission and the statutory consular fees (see paragraph 5 below); and (c) the Japanese Foreign Ministry will authorize the Japanese Embassy or Consulate in the United States to issue the "special deposition visa."

#### Note Regarding Foreign Attorneys Residing in Japan

In Note Verbale Hokubei 1 No. 220 dated October 31, 1996, the Japanese Ministry of Foreign Affairs provided additional clarification regarding the visa

status of American attorneys residing in Japan who wish to participate in depositions at the U.S. Embassy or Consulate in Japan. American lawyers residing in Japan under the status of "legal/accounting services" (as "gaikokuho jimubengoshi"), "permanent residents," or "spouse or child of Japanese national" may participate in depositions under their current visa status, that is, without the special deposition visa, under certain circumstances. They must notify the Ministry of Foreign Affairs through the U.S. Embassy in Tokyo of their proposed participation.

When submitting the note verbale notification to the Ministry, the Embassy will need to provide the names of such lawyers, their company affiliation in Japan, their address, telephone number, and the type and validity of their visa, in addition to a copy of the requisite commission or court order issued by the court in the United States for the taking of the deposition before the U.S. consular officer on U.S. consular premises. In order to facilitate the notification procedures, the Embassy has prepared a worksheet which each lawyer resident in Japan will need to fill out in order for the Embassy to submit the requisite note verbale.

### Statement of Concurrence

We must request that you provide in writing a statement of concurrence from the opposing party in this action. This statement should document the fact that opposing counsel is aware of the timing and venue of the deposition and understands they will be able to attend the deposition should they (opposing counsel) choose to do so and provided that they, too, obtain the special deposition visa. In this way, we can ensure that all parties to a dispute are apprised early on of the proposed timing of the deposition and thus maximize limited embassy resources.



### Prescribed Statutory Fees

The prescribed statutory fee for consular services in connection with depositions, item 52(b), is \$265.00 per hour. You should notify the Embassy of the necessary time required to take the deposition, allowing additional time required for interpreter/translator services' questions and answers. Be aware that the use of interpreters will approximately double the time required. The Embassy will estimate the amount of the deposit and inform you.

The Embassy must receive the deposit in full prior to the taking of the deposition. Additional \$265.00 per hour fees may be charged if additional consular time is expended during the deposition beyond the time originally estimated. Any unused portion from your deposit will be refunded. Payment should be made by international money order or certified bank check payable to the U.S. Embassy, Tokyo, Japan.

### Signing, Certifying and Mailing Depositions

Participants to a deposition may stipulate regarding the manner in which the transcript of the deposition (any exhibits) should be signed, certified and mailed. The transcript may be forwarded to counsel rather than to the clerk of court which requested the deposition. Moreover, participants may stipulate that after the deposing of witnesses is completed and the stenographer transcribes the testimony, the transcript may be sent directly to the witness for signature or to counsel who will make arrangements directly with the witness for signature of the transcript.

If required by local or federal rules in the United States, the witness may bring the transcript to the U.S. Embassy for signature before a consular officer, making any necessary corrections in the presence of a consular officer. If required, a consular certification of the deposition may be made at this time.

If you plan to have the deposition taped without subsequent transcription, the Embassy asks that the court order or commission specify whether audio or video tape is to be used. Tapes may be sent directly by the video operator or by the Embassy via registered air mail to either the person stipulated by the participants or directly to the court clerk immediately following completion of the deposition. Any change in the above procedures would have to be agreed to by both parties in the dispute and, if necessary, covered by an amended court order.

#### Deposition Closing Certificate Fee and Postage

The U.S. Embassy requires a \$70.00 fee for the consular certification of the completed deposition transcript in accordance with Schedule of Fees item 52 (e). Actual costs for postage and packing materials must be received in advance before transcripts can be forwarded. The Embassy may require a deposit for these postage and packing costs from which any unexpended monies will be refunded.

Firms may provide the Embassy with their express delivery service account number against which such costs may be charged. If extraordinary additional consular time is expended in the packing and shipment of transcripts, an additional \$265.00 per hour fee may be assessed. As federal regulations prohibit the performance of consular services in advance of payment of statutory consular fees, depositions cannot be convened until all the required funds have been deposited.

#### Working Hours

For administrative and security reasons, the Embassy's deposition room and

consular staff are not available for deposition taking outside the working hours of 8:30 a.m. to 5:00 p.m. or on weekends or holidays. The Embassy will be closed on both U.S. and Japanese national holidays. No one is allowed to remain in the deposition room during the lunch hour of 13:00 - 14:00. Please note also that deposition taking must stop at 4:30 p.m. each day to enable all participants to leave the consular premises prior to 5:00 p.m. at which time the doors will be locked. The Embassy deposition room will hold up to 10 people.

### Electronic Equipment

The Embassy does not provide tapes, taping equipment or equipment operators. If a video taped deposition is planned, or if you plan to bring some type of electronic equipment, such as a tape recorder, please so notify the Embassy 3 days prior to the actual deposition, so that the Embassy can obtain the necessary clearance from the security office for the entry of the equipment and the operators into the Embassy premises.

### Voluntary Depositions on Written Questions

The U.S. Embassy in Tokyo generally does not take written depositions due to limited staffing. However, voluntary depositions on written questions may be taken in Japan (28 USC Fed. R. Civ. P., Rule 31, 22 C.F.R. 92.58) after coordination with the Embassy. Requesting counsel should contact the U.S. Embassy to arrange a mutually convenient day when the deposition may be conducted. The requirements for a U.S. court order or commission, consular fees and scheduling the Embassy special deposition room based on space availability still apply. Counsel must make all the arrangements for the witness to appear and for stenographic or video services and translators if necessary.

The Consular Officer will administer the oath to the witness, and if necessary to

the stenographer, video tape operator or interpreter/translator, and be continuously present throughout the deposition to read the questions provided in a court order. If the witness does not speak or read English adequately, a Japanese translation of the English text should be provided. The questions should be sent directly to the U.S. consular officer at the U.S. Embassy. If preferred, the witness may write down the answers to the questions, rather than dictate the answers to the stenographer or video tape operator. The consular officer will affix a closing certificate after the deposition is completed.

Please inform all attorneys, for both the plaintiff and the defendants, of the above requirements, particularly the special deposition visa.

Should you have further questions about the procedures for holding depositions overseas, please contact the office of Overseas Citizens Services, U.S. Department of State, (202) 647-3675, or this office directly at 81-3-3224-5174 (FAX No. 81-3-3224-5856).

---

*For more information, including our phone and FAX number, please contact the office serving your part of Japan.*

*The U.S. Embassy and our Consulates are closed on both U.S. and Japanese holidays.*

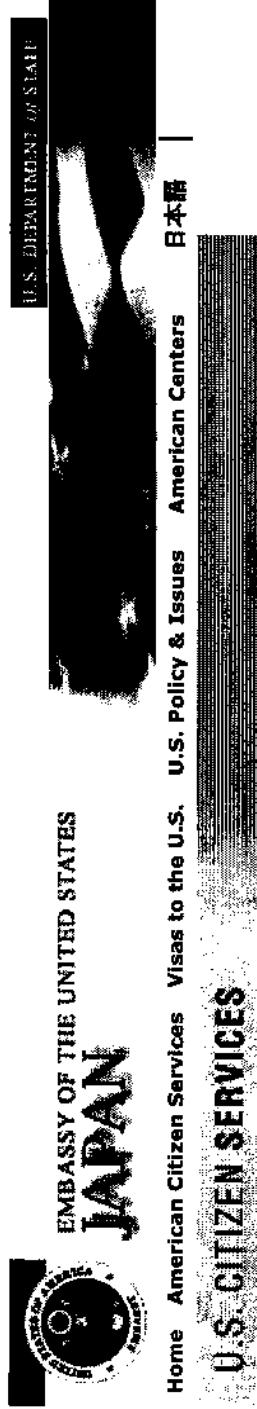
*This is an official source of U.S. Government information on the Web. Inclusion of Non-U.S. Government links or information does not imply endorsement of contents.*

HOME | AMERICAN CITIZEN SERVICES | VISAS | POLICY ISSUES | STATE DEPT.  
CONTACT US | PRIVACY | WEBMASTER

EMBASSY OF THE UNITED STATES

# EXHIBIT

## 2



► Overview

- Security/Safety
- U.S. Passports
- Marriage
- A New Baby
- Get Vital Records
- Resources
- Registration
- Consulates in Japan

## Taking Depositions in Tokyo

Taking a deposition in Japan can be complex; depositions are controlled by detailed treaties and agreements between the United States and the Government of Japan, and procedures cannot be modified or circumvented. Orders by U.S. courts cannot compel the Government of Japan to amend or overlook its judicial regulations and procedures. In addition, the Embassy cannot compel the Government of Japan to act faster, or in a way more convenient or beneficial to any party, even with a U.S. court order requesting such action.

The best way to ensure the success of your deposition is by careful reading of these instructions, and carefully following the steps outlined below.

Processing times can vary; clearance and visa issues solely under the control of the Government of Japan can take several weeks or longer, so it is never too early to begin the process.

*US Department of Justice Attorneys please follow this link for additional instructions.*

### Availability of Tokyo's Deposition Room

All depositions must occur at the Embassy or at our Consulate in Osaka-Kobe (these instructions apply only to the Embassy; follow this link if you are seeking

to depose in Osaka).

You cannot depose outside of the Embassy or Consulate, such as at a hotel or private office.

While electronically recording depositions is permissible, the Ministry of Foreign Affairs has informed the U.S. Embassy that Japan does not permit telephone or videoconferenced depositions. We do not have videoconferencing or teleconferencing equipment available.

### Tokyo Availability

In 2006, the following dates are available:

- August 28
- Nov. 20 onward

*The American Embassy is closed on both U.S. and Japanese holidays.*

### Overview of the Deposition Process

As soon as possible
<p>Reserve Deposition Room by phone or by fax</p> <p>We are open 8:30-13:00, 14:00-17:30, Mon - Fri, closed Japanese and U.S. holidays.</p> <p>Tel: 81-3-3224-5174 or Fax: 81-3-3224-5856. Before calling, check the</p>

current local time in Tokyo.

*Within three weeks from the date the tentative reservation was made*

Pay \$475.00 reservation fee by international money order or certified bank check payable to the "U.S. Embassy, Tokyo, Japan." Personal or corporate checks are not acceptable. All funds must be in U.S. dollars and checks must be drawn on a U.S. bank.

Mail the check to us at: U.S. Embassy Tokyo, attention American Citizen Services - Deposition, 10-5, Akasaka, 1-chome, Minato-ku, Tokyo, Japan, 107-8420. Telephone 03-3224-5000.

*Read more information here.*

*One month prior to the deposition*

Court order/commission, and statutory deposition fees express-mailed to:

U.S. Embassy Tokyo, attention American Citizen Services - Deposition, 10-5, Akasaka, 1-chome, Minato-ku, Tokyo, Japan, 107-8420. Telephone 03-3224-5000.

*Read more information here.*

*See sample commission text here (PDF format).*



<i>At least three weeks prior to the deposition</i>	<p>Apply for a deposition visa at the Japanese Embassy or a consulate in the U.S.</p> <p>You cannot apply for your visa until the steps above have been completed and we have scheduled your deposition. The Embassy cannot assist you in obtaining your Japanese visa; contact a travel agent or the Japanese Embassy or Consulate nearest you.</p> <p><i>Read more information here.</i></p> <p><i>Information for American Attorneys Residing in Japan.</i></p>
<i>At least three days prior to the deposition</i>	<p>FAX a list of all participants in your deposition and all electronic equipment to be used to the U.S. Embassy Tokyo, 81-3-3224-5856. This is necessary for our security office to allow you into our building.</p>

### Detailed Instructions

This flow chart is only an overview of the process; before beginning to schedule your deposition, please review carefully our detailed instructions to avoid delays.

### Important Notes

- ▶ The Japanese Ministry of Foreign Affairs has informed the U.S. Embassy that Japan does not permit telephone or videoconference depositions. Participants must be physically present at the Embassy.
- ▶ Per the Government of Japan, all depositions must take place on Embassy or Consulate premises; no exceptions are allowed for hotel conference rooms or the like.
- ▶ All persons participating in a deposition must have the proper Japanese visa.

### Support Staff

The Embassy does not supply and cannot arrange interpreters, court reporters, video crews and the like. Follow the links below to for staff who you can contact independently to arrange for your support needs.

- ▶ Stenographic, interpretation and translation services.
- ▶ Video services.
- ▶ English-speaking Local Attorneys in the Tokyo area.
- ▶ Other Resources and Services.

### Your Deposition at the Embassy

Your use of the deposition room falls under the general security guidelines that govern all visitors to the Embassy. Please note:

- ▶ The room is yours to use 8:30-13:00 and 14:00-17:00, Mon - Fri, closed Japanese and U.S. holidays.
- ▶ All persons must present photo ID (preferably a passport) to enter the Embassy, submit to a bag search and use of a metal detector.
- ▶ You may not bring any electronic devices into the Embassy except those pre-approved for recording the deposition.
- ▶ No cell phones are allowed inside the Embassy. A pay phone is available just outside the deposition room.
- ▶ You may not bring food or drinks into the Embassy. A drinks vending machine is available just outside the deposition room.
- ▶ We have no photocopier available for deposition use. Copies can be made at a convenience store across the street from the Embassy.
- ▶ There is no smoking anywhere in the Embassy.
- ▶ There is no public parking available at or near the Embassy (we are very accessible by public transportation or taxi; here is a map).
- ▶ You must vacate the deposition room between 1300-1400. Several tasty restaurants are within walking distance of the Embassy.
- ▶ We are unfortunately unable to take phone messages, make calls or send/receive FAXes for you.

- ▶ The deposition room seats about 8 people, is air conditioned, and has a white board. Limited electrical power is available, with standard U.S.-style plugs but 100V, 50 Hz power. Only dual-voltage, 50/60hz laptops will work; others require an adaptor you must purchase yourself.
- ▶ Restrooms and a drinking fountain are available just outside the deposition room.

#### Other Judicial Assistance Information

- ▶ Service of Process in Japan
- ▶ Visas for Attorneys Deposing in Japan.
- ▶ Obtaining Evidence in Japan
- ▶ US Department of Justice Attorneys please follow this link for additional instructions.

For additional questions, please contact the office of Overseas Citizens Services, U.S. Department of State, (202) 647-3675, or visit their web page at [travel.state.gov](http://travel.state.gov).

---

*For more information, including our phone and FAX number, please contact the office serving your part of Japan.*

*The U.S. Embassy and our Consulates are closed on both U.S. and Japanese holidays.*

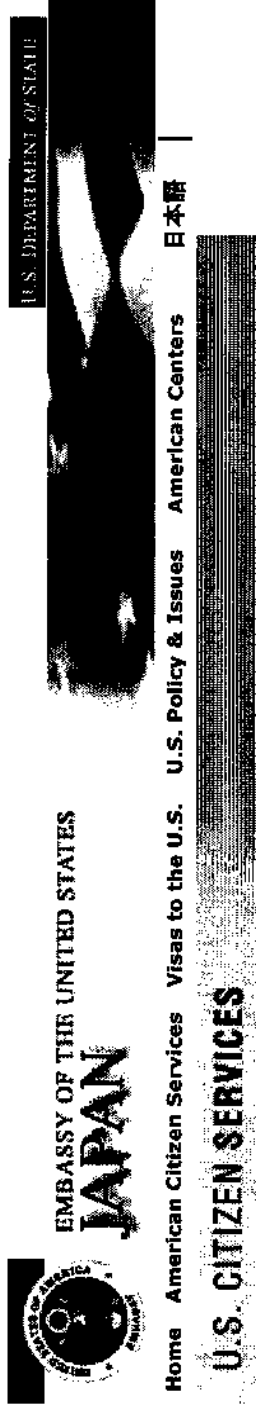
*This is an official source of U.S. Government information on the Web. Inclusion of Non-U.S. Government links or information does not imply endorsement of contents.*

HOME | AMERICAN CITIZEN SERVICES | VISAS | POLICY ISSUES | STATE DEPT.  
CONTACT US | PRIVACY | WEBMASTER

EMBASSY OF THE UNITED STATES

# EXHIBIT

# 3



- ▶ Overview
- ▶ Security/Safety
- ▶ U.S. Passports
- ▶ Marriage
- ▶ A New Baby
- ▶ Get Vital Records
- ▶ Resources
- ▶ Registration
- ▶ Consulates in Japan

## Taking Depositions in Osaka

### INTRODUCTION

This information sheet provides a step-by-step guide to the American Consulate General Osaka-Kobe's procedures for the scheduling and conducting of depositions at this post. Please note that while much of the information listed below applies to depositions in Japan in general, if you schedule your deposition for a location other than the American Consulate General Osaka-Kobe, you should contact the post concerned directly for additional information. The Consulate cannot assist in scheduling depositions at other posts in Japan.

We would like to point out that in many instances, particularly when time is an important consideration, sworn affidavits (in lieu of a deposition) have proven to be expeditious and acceptable to the courts. In such cases, you should send a copy of all questions directly to the witness. S/he can prepare written replies and take an oath before a consular officer as to their veracity. The execution of such an affidavit takes only a few minutes and the charge for oath is currently only \$30.00 for the first seal, and \$20.00 for each additional seal provided at the same time in connection with the same transaction. This affidavit may save you and your clients considerable time and expense.

### BACKGROUND

Consular officers of the United States are authorized to take depositions by the Rules of Criminal Procedure for the U.S. District Courts (18 U.S.C., Rules 15 and 17), the Rules of Civil Procedure for the U.S. District Courts (28 U.S.C.,

Rules 28-31) and 22 U.S.C. 4215 and 4221. 22 CFR 92.56 sets forth the specific responsibilities of the consular officer in taking depositions. Authority to act in this capacity in Japan is contained in the Consular Convention between the two countries. A consular officer may take a deposition either upon Notice, or by virtue of a Commission to take testimony issued by the competent court. Article 17 of the Japan-United States Consular Convention authorizes American consular officers to take depositions in Japan, "on behalf of the court or other judicial tribunals or authorities of the sending state (United States), voluntarily given, in accordance with the laws of the sending state (U.S.) and in a manner not inconsistent with the laws of the receiving state (Japan)".

Note that per 22 CFR 92.85, Foreign Service officers are prohibited from serving process on behalf of private litigants and from appointing others to do so unless specifically authorized by the Department of State.

#### **SCHEDULING A DEPOSITION: STEP-BY-STEP**

##### **STEP ONE: DEPOSITION ROOMS**

Telephone (please do not FAX) the Consulate at [country code] 81- [city code] 6-6315-5928 to determine what dates are available. You may call between 09:00-12:30, and 13:30-17:00 Japan time, Monday through Friday, excluding Japanese and American holidays. We cannot make reservations by telephone. The Consulate has two deposition rooms available-- a "LARGE ROOM", which can accommodate about fifteen people and a "SMALL ROOM", which can accommodate about eight people. Each room is equipped with tables and chairs, and is wired for 100V, 60HZ electricity with U.S.-standard outlets (most equipment that works in the U.S. will work with this type of power). The Consulate does not provide computers, typewriters, office supplies or the like.

##### **STEP TWO: MAKING A RESERVATION**

After checking with us by telephone as to availability, make your reservation by sending a FAX to the Consulate at 81-6-6315-5914. In your FAX, list the case name and your preferred dates. In estimating the time needed to conduct your deposition, please be aware that if the witnesses will be deposed in Japanese, the use of interpreters will approximately double the time required.



**STEP THREE: THE INITIAL RESERVATION FEE**

Your reservation with us is not final until we receive your initial reservation fee of \$475.00. Therefore, concurrent with your sending us a FAX as noted above, please send us a certified check for \$475.00, made payable to the American Consulate General Osaka-Kobe. This is our initial reservation fee. This sum is not a deposit and is non-refundable. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to Chief, American Citizen Services Unit, American Consulate General Osaka-Kobe, 11-5 Nishitenma 2-chome, Kita-ku, Osaka 530-8543.

**STEP FOUR: THE COURT ORDER**

As soon as possible after making your reservation, please also send us a certified copy of the court order or commission. The names of all persons to be deposed must be included in the court order/commission. As the Consulate cannot schedule a deposition until the initial reservation fee, court order/commission and deposit are received here (see below), we suggest that the court order be worded "on or about" a date for maximum flexibility. The court order/commission should be addressed to "any Consul or Vice Consul of the United States of America at Osaka-Kobe, Japan".

In addition to sending the court order or commission, please include on a separate sheet of paper the full names of all other persons (attorneys, stenographers, videographers, etc.) who will participate in the deposition. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to Chief, American Citizen Services Unit, American Consulate General Osaka-Kobe, 11-5 Nishitenma 2-chome, Kita-ku, Osaka, Japan, 530-8543.

**STEP FIVE: THE DEPOSIT**

With the certified copy of the court order or commission, please include a full deposit of the required consular fees. The fees should be calculated at \$265.00 per day for the consular officer's service X the number of days + \$265.00 for clerical processing. The Consulate may also require an additional deposit and/or shipping fiscal data (such as a Federal Express number) if you will be processing your transcripts through the Consulate (see STEP EIGHT, below).

For example, a five day deposition requires a deposit calculated as follows:

$\$265.00 \text{ per day} \times \text{five days} + \$265.00 = \$1590.00$

Please make your certified check payable to the American Consulate General Osaka-Kobe. This sum is a deposit; after a final receipt is prepared, the excess will be refunded to you by the Consulate or any monies owed to us by you will be collected. The Consulate can accept either Federal Express or DHL shipments.

Please address your envelope to Chief, American Citizen Services Unit, American Consulate General Osaka-Kobe, 11-5 Nishitenma 2-chome, Kita-ku, Osaka, Japan, 530-8543.

(NOTE: In calculating the final cost of the deposition, the Consulate must charge fees incurred for postage, shipping and the like. If Consular certification of the deposition transcript is required, the Consulate will also charge \$265.00 per hour of consular staff time to cover clerical work.)

#### **STEP SIX: JAPANESE VISAS**

Attorneys need a special visa issued by the Japanese Government to conduct depositions in Japan. Before the Japanese authorities will instruct one of their Consulates abroad to issue these required visas, they will confirm that we are ready to proceed with the deposition. The Consulate will only be able to so notify the Japanese authorities when all of the requirements stated above have been met.

It is important to remember that this visa is issued by the Japanese Government, and not by the American Government. Attorneys should contact the nearest Japanese Consulate for complete details on applying for their visas, including a list of required documents. The Japanese authorities should be able to estimate the amount of time visa processing will require.

Special visas may also be required of deposition participants other than attorneys, such as stenographers and videographers. Contact the nearest Japanese Consulate for details.

#### **STEP SEVEN: PLANNING FOR THE DEPOSITION**

Since the Consulate does not provide interpreters, stenographers or the like,

attorneys must arrange directly with such persons for their services and payment of their fees. While financial arrangements are the responsibility of the contracting parties, you may anticipate that interpretation fees will range from ¥30,000 to ¥50,000 per day. Stenographic services run roughly ¥25,000 to ¥35,000 per day plus transcription fees of ¥700 to ¥500 per page. Actual prices may vary; for cost quotations, please check with the service provider.

While the Consulate cannot make specific recommendations for service providers, we are attaching as a convenience a list of some local sources you may wish to contact.

Also, please note: The Consulate cannot schedule witnesses on your behalf.

\* Consulate facilities and staff are not available for deposition-taking on Japanese and American holidays, weekends, during lunch hour, or after closing time. You should plan to use our facilities between 09:00 to 12:30 and 13:30 to 17:00.

\* All witnesses, stenographers, interpreters, videographers and anyone else who is to be sworn in must present picture identification, such as a passport or driver's license. Witnesses should also bring their business cards to show their relationship to the firm or organization on whose behalf they are testifying. Attorneys and all staff traveling from outside of Japan (such as stenographers) must bring their passports to the Consulate. We must verify that all parties have the proper visa before your deposition can commence.

#### **STEP EIGHT: THE TRANSCRIPTS**

After your deposition has concluded, there are two ways the transcripts may be processed:

##### **METHOD ONE**

The simplest method of concluding a deposition is to have the transcripts prepared and distributed among the interested parties by your stenographer/court reporter, without further involvement by the Consulate. This procedure is the easiest and lowest cost option, and the method by which the transcripts can be returned to you in the shortest amount of time. A brief signed statement by all concerned

parties agreeing to this method is all that is required by the Consulate.

## **METHOD TWO**

After the deposing of the witnesses is completed, the stenographer transcribes the testimony and forwards the original transcript to the Consulate General. Sending additional copies of the transcript to the witnesses as well is advisable since the witnesses can review the copy of the transcript in advance and prepare an errata sheet as necessary, or make any necessary corrections on the copy and use it to make changes on the original transcript retained in our office. After the witnesses make any necessary corrections on the original transcript, they will then sign the transcript in the presence of a consular officer. Once all witnesses have signed their transcripts, a consular certification is prepared and the deposition, along with any exhibits, is sent to the Clerk of the Court that requested the deposition. By stipulation/written agreement, the materials can also be sent to the attorneys' offices.

This method is the most time consuming. Since we cannot forward the final transcripts to you until all witnesses have signed, delays in receiving your documents can occur if a witness or witnesses are unable to return to our offices. While we will make every effort to process your transcripts in a timely fashion, please be advised that our other statutory functions, as well as emergency services, may delay processing. In addition, as we must wait until the final shipping of your documents before preparing a final accounting, billing will also be significantly delayed. This may result in delays in your processing a case to conclusion within your own offices. Finally, due to storage space limitations at the Consulate, unfinished transcripts will be returned to you at your own expense after eight weeks.

## **CONCLUSION**

The information presented above is designed to assist you in efficiently conducting and concluding a deposition at the American Consulate General Osaka-Kobe. Should you have any questions, please contact the American

Citizen Services section at 81-6-6315-5928 or FAX us at 81-6-6315-5914. Since the Consulate will make every effort to respond to your inquiries within five working days, we ask that you not send follow-up requests to us unless you do not receive a response within that time frame. In addition, please do not send mail follow-up "confirmation" copies to FAX messages unless specifically requested by us to do so. Your cooperation assures the best possible service.

---

### Checklist

As you prepare for your deposition, you may find the following checklist useful.

#### STEP ONE: DEPOSITION ROOMS

Telephone the Consulate at 81-6-6315-5928 to determine what dates are available.

#### STEP TWO: MAKING A RESERVATION

Make your reservation by sending a FAX to the Consulate at 81-6-6315-5914. In your FAX, list the case name and your preferred dates and room size.

#### STEP THREE: THE INITIAL RESERVATION FEE

Concurrent with sending the above mentioned FAX, send a certified check for \$475.00, made payable to the American Consulate General Osaka-Kobe.

#### STEP FOUR: THE COURT ORDER

Send a certified copy of the court order or commission, including the names of all persons to be deposed. On a separate sheet of list the names of all other persons who will participate in the deposition.

#### STEP FIVE: THE DEPOSIT

Send a deposit of the required consular fees, calculated at \$265.00 per day X the number of days + \$265.00 for clerical processing.

#### STEP SIX: JAPANESE VISAS

Contact the nearest Japanese Consulate for details on visas for attorneys, stenographers, videographers, etc.

**STEP SEVEN: PLANNING FOR THE DEPOSITION**

Arrange for interpreters, stenographers and the like. Schedule witnesses.

**STEP EIGHT: THE TRANSCRIPTS**

Plan for the disposition of your transcripts.

Should you have any questions, please telephone us at 81-6-6315-5928 or FAX us at 81-6-6315-5914. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to Chief, American Citizen Services Unit, American Consulate General Osaka-Kobe, 11-5 Nishitenma 2-chome, Kita-ku, Osaka, Japan, 530-8543.

---

**INTERPRETERS AND STENOGRAPHERS**

Note: The American Consulate General Osaka-Kobe, Japan, assumes no responsibility for the professional ability or integrity of the under-mentioned interpreters and stenographers. They will provide a cost estimate upon request. There is no significance to the order in which they are listed.

1. **Jan Floate, RPR, CSR (Court Reporter)**  
P.O. Box 18231, Kailua, Hawaii 96734  
Tel: (808) 263-1149  
Fax: (808) 262-1096
2. **American Realtime Court Reporters (Japan)**  
Jodi Harmon, President, Shisa X, Room 803, 4-12-12  
Nishi-Tenma, Kita-Ku, Osaka 530-0047  
Tel: (06) 6311-6223  
[www.americanrealtime.com](http://www.americanrealtime.com)

**American Realtime Court Reporters (United States)**



Jodi Hamon, President, 5046 Rosen Boulevard  
Boyton Beach, Florida 33437  
Tel: (561) 279-9132  
www.americanrealtime.com

3. **Inter Osaka (Interpreter)**  
Shiroguchi Bldg., 2-15 Kakuta-cho, Kita-ku, Osaka 530-0017  
Tel: (81) (6) 6372-8048  
Fax: (81) (6) 6372-6127
4. **Yasuko Kawakami (Interpreter)**  
2-10-1 Takakuradai, Suma-ku, Kobe 654-0081  
Fax: (81) (78) 752-6468, or  
1750 Kalakaua Ave. #3903, Honolulu, Hawaii 96826  
Tel: 808-955-5257  
Fax: 808-942-8117  
e-mail: ykawakami@hawaii.rr.com
5. **Kokusai Communication Service (Interpreter)**  
3-7-16 Shiyodai, Tarumi-ku, Kobe 655-0864, Japan.  
Tel: (81) (78) 752-6468  
Fax: (81) (78) 751-7277
6. **William Lise (Interpreter)**  
Rm 405, 1-403-4 Kosugimachi, Nakahara-ku, Kawasaki-shi, Kanagawa 211-0063, Japan.  
Tel: (81) (44) 739-3026  
Fax: (81) (44) 739-4881  
e-mail: new-tech@lise.jp  
Web: http://www.lise.jp
7. **Nihon Convention Service, Inc. (Interpreter)**  
Sumitomo Seimei Midouji Bldg., 13th Floor 14-3  
Nishitenma 4-chome, Kita-ku, Osaka 530-0047, Japan.  
Tel: (81) (6) 6311-2131  
Fax: (81) (6) 6311-2130
8. **Simul International, Inc. (Interpreter)**

Kogin Bldg. Annex 8F, 4-2-7 Koraihashi, Chuo-ku, Osaka  
541-0043, Japan.  
Tel: (81) (6) 6231-2441  
Fax: (81) (6) 6231-2447

9. **WordWave International Asia Ltd.**

2401 Lippo Centre Two, 89 Queensway, Hong Kong  
Tel: 852-2522-1998  
Fax: 852-2522-1575  
E-mail: hongkong@wordwave.com  
Web: www.wordwave.com.hk

### VIDEO RECORDERS

Note: The American Consulate General Osaka-Kobe, Japan, assumes no responsibility for the professional ability or integrity of the under-mentioned video recorders. They will provide a cost estimate upon request. There is no significance to the order in which they are listed.

1. KOWA AV SYSTEMS CO., LTD. 13-7 Oyodonaka 1-chome, Kita-ku, Osaka.  
Tel: (81) (6) 6454-4851, Fax: (81) (6) 6454-4850.
2. TVC Yamamoto Co., Ltd., Osaka Office  
FT Osaka Bldg. 602, 1-1-16 Osaka, Tennoji-ku, Osaka  
543-0062.  
Tel: (81) (6) 4305-5340, Fax: (81) (6) 4305-1450.  
E-mail: y\_maeda1011@ams.odn.ne.jp
3. Visual Information Systems, Inc.  
ACTY Shiodome 909  
Kaigan 1-1-1, Minato-ku, Tokyo 105-0022  
Tel/Fax: (81) (3) 3578-9199  
Mobile phone: 090-1036-4681  
E-mail: paul@legalvideoasia.com



Web: [www.legalvideoasia.com](http://www.legalvideoasia.com)

---

*For more information, including our phone and FAX number, please contact the office serving your part of Japan.*

*The U.S. Embassy and our Consulates are closed on both U.S. and Japanese holidays.*

*This is an official source of U.S. Government information on the Web. Inclusion of Non-U.S. Government links or information does not imply endorsement of contents.*

HOME | AMERICAN CITIZEN SERVICES | VISAS | POLICY ISSUES | STATE DEPT.  
CONTACT US | PRIVACY | WEBMASTER

EMBASSY OF THE UNITED STATES